



Michigan Department of State
Bureau of Elections
www.michigan.gov/sos

BALLOT QUESTION COMMITTEE

MANUAL

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INTRODUCTION

Michigan's Campaign Finance Act, P.A. 388 of 1976, promotes the public disclosure of political contributions and expenditures. The Secretary of State and the county clerks seek disclosure through voluntary compliance with the requirements of the Act. This manual explains the obligations ballot question committees must meet under the Act.

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STATEMENT OF ORGANIZATION

As soon as an organization or group of persons receives \$500.00 in contributions or makes independent expenditures totaling \$500.00 in a calendar year to influence voters for or against the qualification, passage or defeat of one or more ballot questions in Michigan, the organization or group of persons has 10 calendar days to form and register a Ballot Question Committee. An organization or group of persons that is covered by the Campaign Finance Act registers a committee by filing a Statement of Organization form with the appropriate filing official. The Statement of Organization is the first Campaign Finance form required to be filed by a Ballot Question Committee.

WHERE TO FILE?

- If the ballot question supported or opposed by the committee will be voted on in one county, the committee files the Statement of Organization with the clerk of that county.
- If the ballot question supported or opposed by the committee will be voted on in more than one county, the committee files the Statement of Organization with the clerk of the county having the greatest number of registered voters eligible to vote on the ballot question.
- If the ballot question will be voted on statewide, the committee files the Statement of Organization with the Michigan Department of State, Bureau of Elections.

The information contained on the Statement of Organization must be kept up-to-date. If a change in the information takes place, the committee treasurer must file an amendment to the form no later than the due date of the first Campaign Statement required of the committee after the change. The treasurer serving at the time of the change must sign the amended Statement of Organization.

STATEMENT OF ORGANIZATION Q&A'S

Rather than giving money to a Ballot Question Committee (direct contribution), or paying a printing bill for the committee (in-kind contribution), a community organization buys a full-page ad in the newspaper at a cost of \$650 to advocate a “yes” or “no” vote on the issue. Does this organization have to register as a Ballot Question Committee for an upcoming school millage election?

The community organization would be required to register a Ballot Question Committee with the county clerk's office within 10 days after making the expenditure. The registration of a Ballot Question Committee is required because the expenditure was an independent expenditure and the amount was \$500 or more.

I am the CEO of a corporation that will be affected adversely if an upcoming ballot proposal passes. My company wants to run some ads in the local newspaper, put up several billboards and circulate some brochures in opposition to this proposal. We would be using approximately \$95,000 of the company's money. Does my company have to form and register a Ballot Question Committee if we pay for these ads?

Yes, because the expenditures would be independent expenditures and exceed the \$500 registration threshold.

What if my corporation contributed the money to an existing Ballot Question Committee?

The corporation would not have to establish and register its own Ballot Question Committee as the expenditure would be a direct contribution to the existing committee and funds involved were not solicited or received for the purpose of making the expenditure to that committee.

The PTA held some bake sales to raise money to support an upcoming millage election. The money from the sales, totaling \$350, was given to the Save Our Schools Ballot Question Committee. Must the PTA form and register a Ballot Question Committee?

No, the PTA would not have to form and register as a committee because the amount of the contribution was less than \$500; however, it would have to provide to the recipient committee the names, address, dates and amounts for the contributors who purchased the baked goods.

What if the contribution from the PTA was \$525?

The PTA would be required to form and register a Ballot Question Committee because the money given was \$500 or more and was solicited for the purpose of making a contribution to the Save Our Schools Committee.

We are an out-of-state organization and want to send some people to Michigan to work on a statewide ballot proposal. We will be paying their salaries while they work with a Michigan Ballot Question Committee. Do we have to register a Ballot Question Committee?

No, because your expenditures would be in-kind contributions to the Ballot Question Committee and not made from money solicited or received for that purpose. However, you would be required to provide to the Michigan Ballot Question Committee, a certified listing of all persons who had contributed the money your organization is using to pay the salaries of the workers sent to Michigan. If the funds came from the organization's treasury funds, no certified listing would be required. If the out-of-state organization sent out letters to its members and received contributions from them to cover the cost of sending people and/or money to Michigan for this ballot proposal, the out-of-state organization would be required to register as a Ballot Question Committee.

<p style="text-align: center;">CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS</p>
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CAMPAIGN STATEMENTS

A committee discloses its campaign finances on Campaign Statements. A Campaign Statement consists of a cover page, summary page, and a series of schedules that itemize the committee's receipts, expenditures and debts. A special purpose schedule summarizes each fundraiser held by the committee. Campaign Statement forms and instructions can be obtained from the Department of State's Bureau of Elections in Lansing, any county clerk or the Secretary of State's website on the Internet.

A Ballot Question Committee that does not expect to receive or spend more than \$1,000.00 for an election may obtain a Reporting Waiver that exempts the committee from filing detailed Campaign Statements unless it exceeds the \$1,000.00 threshold. To obtain a Reporting Waiver the committee must check Item 10 on its Statement of Organization or on an amended Statement of Organization. The Reporting Waiver is further explained in Appendix C, The Reporting Waiver.

Campaign Statement Closing Dates, Due Dates and Coverage Periods

Campaign Statements have specific coverage periods. The first Campaign Statement filed by a committee "opens" on the day the committee formed and extends through the "closing date" of the Statement that is due. Subsequent Campaign Statements "open" on the day after the last day covered by the previous Campaign Statement filed by the committee and extend through the "closing date" of the Statement that is due.

Ballot Question Committees that do not maintain a Reporting Waiver are required to file Campaign Statements according to the schedule detailed below. Any due dates that fall on a weekend or state observed holiday are moved to the next business day.

Type of Statement	Closing Date of Statement	Statement Due Date
Pre-Election Campaign Statement	16 days before election	11 days before election
Post Election Campaign Statement	20 days after election	30 days after election
Annual Campaign Statement	December 31	January 31
Qualification Statement* Non-Qualification Statement*	28 days after qualification or non-qualification	35 days after qualification or non-qualification

*Statewide Ballot Question Committees only. (In addition to other Campaign Statements shown above.)

- An Annual Campaign Statement is required each year on January 31 (closes on December 31). The Annual Campaign Statement is required even if the committee does not have any receipts or expenditures to disclose for the period covered by the Statement. The Annual Campaign Statement is waived if the committee files a Post-General Campaign Statement during the month of December.
- A Pre-Election Campaign Statement is required 11 days before any election in which the committee participates (closes 16 days before the election).
- A Post-Election Campaign Statement is required 30 days after any election in which the committee participates (closes 20 days after the election). A committee that files a Pre-Election Campaign Statement for an election is automatically required to file a Post-Election Campaign Statement for that election.
- A Ballot Question Committee that supports or opposes the qualification of a **statewide ballot proposal** is required to file a Qualification or Non-Qualification Campaign Statement 35 days after the proposal qualifies or fails to qualify for the ballot (closes 28 days after the qualification or non-qualification date). The due dates of Qualification and Non-Qualification Campaign Statements are provided to committees through the Michigan Department of State's Bureau of Elections. A Reporting Waiver does not waive Qualification or Non-Qualification Campaign Statements.

The term "election" is used to mean a primary, general, special, recall, or millage election held in Michigan. A committee is considered to be a participant in an election if it makes a contribution or an expenditure to support or oppose a ballot question on the election ballot. This includes a contribution made or an independent expenditure made on behalf of another Ballot Question Committee participating in the election.

LATE FILING FEE SCHEDULES

The chart below is designed to inform the Ballot Question Committee of the late filing fees that may be assessed for the late filing of Campaign Statements and reports required to be filed pursuant to the Michigan Campaign Finance Act.

Statement of Organization Late Filing Fees (All Committees, State And Local) Section 24(1). The late filing fee for a late filed original Statement of Organization is \$10.00 per business day not to exceed \$300.00.

Late Contribution Report Late Filing Fees (All Committees, State And Local) Section 32(1). The late filing fees for a late filed Late Contribution Report are as follows:

- \$25.00 for each business day the report remains un-filed.
- An additional \$25.00 for each business day after the first 3 business days the report remains un-filed.
- An additional \$50.00 for each business day after the first 10 business days the report remains un-filed.

The filing official must assess a \$25.00 late filing fee for the first 3 business days that a statement remains un-filed; a \$50.00 (\$25.00 + \$25.00) late filing fee for the 4th through the 10th business days that the statement remains un-filed; and a \$100.00 (\$25.00 + \$25.00 + \$50.00) late filing fee for the 11th through 26th business days that a statement remains un-filed. The \$2,000.00 maximum late filing fee will have been reached at that point.

Annual Campaign Statement Late Filing Fees (All Committees, State And Local) A committee, treasurer, or designated record keeper for a Ballot Question Committee who fails to file an Annual Campaign Statement shall pay a late filing fee of \$25.00 for each business day the statement remains un-filed. The late filing fee shall not exceed \$500.00.

Statewide Ballot Question Committee Pre-Election Campaign Statement Late Filing Fees
The first day the fee is \$25.00. The second day the fee is \$50.00. The third day the fee is \$75.00. The fourth day and for each subsequent day that the statement remains un-filed the fee is an additional \$100.00. The late filing fee shall not exceed \$1,000.00.

Statewide Ballot Question Committee Post-Election, Qualification or Non-Qualification Campaign Statement Late Filing Fees If the committee has raised \$10,000.00 or less during the previous 2 years) the late filing fee for late filing the Campaign Statement shall be \$25.00 for each business day the statement remains un-filed, but not to exceed \$1,000.00.

If a local Ballot Question Committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee for late filing a Campaign Statement shall be \$50.00 for each business day the statement remains un-filed, but not to exceed \$2,000.00.

Local Ballot Question Committee Pre-Election or Post-Election Campaign Statement Late Filing Fees If the committee has raised \$10,000.00 or less during the previous 2 years) the late filing fee for late filing a Pre-Election or Post-Election Campaign Statement shall be \$25.00 for each business day the statement remains un-filed, but not to exceed \$1,000.00.

If a local Ballot Question Committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee for late filing a Pre-Election or Post-Election Campaign Statement shall be \$50.00 for each business day the statement remains un-filed, but not to exceed \$2,000.00.

LATE FILING FEE SCHEDULE FOR BALLOT QUESTION COMMITTEES

BUS. DAYS	ALL SofO'S	ALL LATE CONTRIB. REPORTS	ALL ANNUAL	PRE STATE- WIDE ONLY	LOCAL: PRE/POST STATEWIDE: QUAL/NON QUAL OR POST Received \$10,000.00 or Less	LOCAL: PRE OR POST STATEWIDE: QUAL/NON QUAL OR POST Received More \$10,000.00
1	\$10.00	\$25.00	\$25.00	\$25.00	\$25.00	\$50.00
2	\$20.00	\$50.00	\$50.00	\$75.00	\$50.00	\$100.00
3	\$30.00	\$75.00	\$75.00	\$150.00	\$75.00	\$150.00
4	\$40.00	\$125.00	\$100.00	\$250.00	\$100.00	\$200.00
5	\$50.00	\$175.00	\$125.00	\$350.00	\$125.00	\$250.00
6	\$60.00	\$225.00	\$150.00	\$450.00	\$150.00	\$300.00
7	\$70.00	\$275.00	\$175.00	\$550.00	\$175.00	\$350.00
8	\$80.00	\$325.00	\$200.00	\$650.00	\$200.00	\$400.00
9	\$90.00	\$375.00	\$225.00	\$750.00	\$225.00	\$450.00
10	\$100.00	\$425.00	\$250.00	\$850.00	\$250.00	\$500.00
11	\$110.00	\$525.00	\$275.00	\$950.00	\$275.00	\$550.00
12	\$120.00	\$625.00	\$300.00	\$1,000.00	\$300.00	\$600.00
13	\$130.00	\$725.00	\$325.00		\$325.00	\$650.00
14	\$140.00	\$825.00	\$350.00		\$350.00	\$700.00
15	\$150.00	\$925.00	\$375.00		\$375.00	\$750.00
16	\$160.00	\$1,025.00	\$400.00		\$400.00	\$800.00
17	\$170.00	\$1,125.00	\$425.00		\$425.00	\$850.00
18	\$180.00	\$1,225.00	\$450.00		\$450.00	\$900.00
19	\$190.00	\$1,325.00	\$475.00		\$475.00	\$950.00
20	\$200.00	\$1,425.00	\$500.00		\$500.00	\$1,000.00
21	\$210.00	\$1,525.00			\$525.00	\$1,050.00
22	\$220.00	\$1,625.00			\$550.00	\$1,100.00
23	\$230.00	\$1,725.00			\$575.00	\$1,150.00
24	\$240.00	\$1,825.00			\$600.00	\$1,200.00
25	\$250.00	\$1,925.00			\$625.00	\$1,250.00
26	\$260.00	\$2,000.00			\$650.00	\$1,300.00
27	\$270.00				\$675.00	\$1,350.00
28	\$280.00				\$700.00	\$1,400.00
29	\$290.00				\$725.00	\$1,450.00
30	\$300.00				\$750.00	\$1,500.00
31					\$775.00	\$1,550.00
32					\$800.00	\$1,600.00
33					\$825.00	\$1,650.00
34					\$850.00	\$1,700.00
35					\$875.00	\$1,750.00
36					\$900.00	\$1,800.00
37					\$925.00	\$1,850.00
38					\$950.00	\$1,900.00
39					\$975.00	\$1,950.00
40					\$1,000.00	\$2,000.00

CONTRIBUTIONS AND OTHER RECEIPTS

“Contributions” are the funds, goods and services donated to the committee. “Other receipts” include interest, refunds and rebates received by the committee.

RECORDING AND REPORTING CONTRIBUTIONS AND OTHER RECEIPTS

The committee’s treasurer or designated record keeper must:

- Record and report all contributions from individuals, regardless of amount, by the amount, date received, and the donor’s name and address. If single or cumulative contributions received from the same individual during a calendar year total \$100.01 or more, the donor’s occupation, employer and principal place of business must also be recorded.
- Record and report all contributions received from other committees, regardless of amount, by the amount, date received, and the committee’s name and address.
- Record and report all contributions received from groups, businesses, firms or any other types of organizations that are not registered as a committee under the Act by amount, date received and the contributing organization’s name and address. If an individual gave toward the organization’s contribution, the amount the individual gave, the date the organization received the individual’s contribution, and the individual’s name and address must be recorded. If an individual gave \$100.01 or more toward the organization’s contribution, the individual’s occupation, employer and principal place of business must also be recorded.
- Record and report all “other receipts” by the amount, date received, the name and address of the source and a short description.
- Promptly deposit in the committee’s depository all funds received by the committee.

The date of receipt is not the date the check or other written instrument was written or the date the contribution was deposited into the committee’s account. The committee receives a contribution on the date that the monetary funds, written instrument, or in-kind contribution of goods from the contributor come into the physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee.

An in-kind contribution of services is considered to be received by the committee on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has been made.

Contributions include donations or loans (except loans from financial institutions in their regular course of business) of money; membership dues; money received from sales of merchandise

such as campaign buttons, bumper stickers, tee-shirts, caps, etc.; sale of tickets for various functions and events; dinners, dances, raffles, “pass the hat” collections, garage sales and other types of fund raisers.

When A Written Instrument Is Required

Contributions of \$20.01 or more must be made by a written instrument such as a check or money order that must show the name of the person making the contribution and the name of the committee accepting the contribution. A committee may not accept contributions of \$20.01 or more in cash. The committee must record the same type of detailed information for a credit card contribution as for any other type of contribution.

Contributions Received From Partnerships/Limited Liability Companies

The following requirements for partnerships also apply to limited liability companies and their members. A contribution to a Ballot Question Committee that is made on a partnership check is viewed as a contribution from the partnership entity unless the amount contributed is attributed to members of the partnership. Consequently, if a partnership solicits contributions from its partners or members of \$500.00 or more in a calendar year in order to make a contribution to a Ballot Question Committee and the amount contributed has **not** been attributed to members of the partnership, the partnership is required to register as a committee under the Campaign Finance Act. On the other hand, if the amount contributed has been attributed to members of the partnership, the amount involved does not count toward the \$500.00 registration threshold applicable to the partnership under the Act.

If the partnership as an entity makes independent expenditures for or against a ballot question of \$500.00 or more in a calendar year the partnership is required to register as a committee under the Campaign Finance Act.

- When the members of a partnership or a limited liability company use a business check to make a contribution to a Ballot Question Committee and want to attribute the check to members or partners, the check must be accompanied by a written statement containing the name, address, date and amount being contributed by each partner or member. Those individuals whose contributions total more than \$100.00 must also provide their occupation, employer and principal place of business. The recipient committee then reports the amount contributed by each partner or member as a separate contribution received from an individual; the name of the partnership or limited liability company is not listed as contributor.

In-Kind Contributions

In-kind contributions are goods, services and facilities provided to the committee at no cost or at a discount. An in-kind contribution could be a donation of office supplies to the committee, a person paying off a debt incurred by the committee, someone paying the salaries of persons who are working on the ballot question campaign or a person donating professional services to the committee.

The value of an in-kind contribution is the fair market value of the goods or services or the usual rental charge of a facility for office space or a fund raiser. If the committee receives a discount unavailable to the general public, the value of the in-kind contribution is the amount discounted.

Loans

Ballot Question Committees may accept loans from individuals and from commercial lending institutions. A loan from an individual is reported as a contribution on Schedule 4A, Itemized Contributions and on Schedule 4E, Debts and Obligations. A loan from a lending institution is reported on Schedule 4A-1, Itemized Other Receipts and on Schedule 4E, Debts and Obligations.

Contribution Exemptions

An individual can assist a Ballot Question Committee in a number of ways without the assistance counting as a contribution to the committee. The following exemptions are designed to encourage volunteer participation in the political process:

- A volunteer's personal services do not count as a contribution as long as the volunteer assists the committee without any understanding or agreement that compensation will be received for the time donated. If the committee compensates the volunteer, the compensation must be reported as an expenditure. If a third party compensates the volunteer (an employer, for example), the compensation must be reported as an in-kind contribution from the third party to the committee. If a volunteer is on earned vacation time when assisting the committee, the vacation pay does not count as a contribution.
- The first \$500.00 spent during the year by a volunteer for personal travel expenses (gas, food, lodging) do not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. The committee must report additional unreimbursed travel expenses incurred by the volunteer during the year as in-kind contributions from the volunteer.
- The first \$100.00 worth of food and beverages donated during the year by an individual does not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. The committee must report additional donations of food and beverages given by the individual during the year as in-kind contributions.

PROHIBITED CONTRIBUTIONS

A prohibited contribution must be returned as soon as the committee recognizes that it has received a contribution that cannot be accepted. If a prohibited contribution has been deposited in the committee's account, the committee must make an expenditure from the account to return the prohibited contribution. If the prohibited contribution has not been deposited, the actual contribution must be returned. If returned within 30 business days, the receipt of the contribution is not considered to be a contribution and is therefore not a violation of the

Campaign Finance Act. The Michigan Campaign Finance Act prohibits the following types of contributions:

Anonymous Contributions: A committee may not accept an anonymous contribution. The committee is required to report the name, address, date and amount for all contributions, regardless of amount. A contribution for which the committee cannot obtain this information must be donated to a tax-exempt charitable organization. A written receipt must be retained for 5 years in the committee's records

Cash over \$20.00: A committee may not accept contributions of \$20.01 or more in cash. Contributions of \$20.01 or more must be made by written instrument, such as a check or money order. This requirement includes money received through the sale of political merchandise, fundraisers, raffles, "pass-the-hat", garage sales, dinners, dances, receptions, or through any other source.

Foreign National: The Federal Election Campaign Act prohibits a foreign national from making any contribution or expenditure (including independent expenditures) in connection with any U.S. elections. It is also unlawful for any person to solicit, accept or receive a contribution from a foreign national.

Contribution in the Name of Another: A person shall not make a contribution by any name other than the name by which that person is identified for legal reasons.

RETURNING CONTRIBUTIONS

Funds received by a committee which are returned to the contributor **within 30 business days** after their receipt are not viewed as a "contribution" under the Act.

- Funds, which have not been deposited in the committee's account and are returned to the contributor, are not reported on the next Campaign Statement required of the committee.
- Funds deposited in a committee's account that are subsequently returned to the contributor must be reported as a contribution on Schedule 4A, Itemized Contributions, of the Campaign Statement covering the period during which the contribution was received and returned. The expenditure to return the contribution is reported on Schedule 4B, Itemized Expenditures.

FUND RAISERS

To ensure that appropriate records are kept at fund raising events, the committee treasurer and designated record keeper (if any) must be familiar with the information required to be recorded and reported *before* any fund raisers are held.

- A committee planning a fund raiser should consult with local governmental units, the Liquor Control Commission, the Bureau of State Lottery and other relevant agencies for necessary licenses and permits prior to the event.

- All contributions, no matter how small, must be itemized on the Campaign Statement that covers the period during which the fundraiser was held. The treasurer must record and report names, dates and amounts for each contribution and, if the contribution exceeds \$100.00 (or causes the contributor's cumulative contributions for the calendar year to exceed \$100.00), the occupation of the contributor, the employer name and the principal place of business of the contributor.
- A committee that does not have a Reporting Waiver is required to include with each Campaign Statement a Fund Raiser Schedule 4F for each fund raising event held during the period covered by the Campaign Statement.

Joint Fund Raisers

A Ballot Question Committee that holds a joint fundraiser with another committee must adhere to the following procedures to avoid violations of the Michigan Campaign Finance Act.

Written Agreement

Prior to the event, an agreement should be drafted in writing between all sponsoring committees indicating the following information:

- The exact share of contributions to be assigned to each committee.
- The proportional share of expenditures to be delegated to each committee.
- Designation of a joint account in a secondary depository in a Michigan bank, credit union or savings and loan association for deposit of all contributions and other receipts from the joint fund raising event. Each committee must amend its Statement of Organization to indicate the location of the secondary depository. The secondary depository is only to be used to receive the contributions and then to split the contributions proportionately to all committees as agreed. No expenses may be paid from the secondary depository. Funds deposited into the joint account must be transferred without delay to the committees' official depositories in the proportion agreed upon.
- The manner of payment for expenses attributable to the event. For example, one committee may be designated to pay all expenses for the event and receive subsequent reimbursement, within a designated time, from the other sponsoring committees. Alternately, each committee may pay its proportionate share of each expense as it arises.

Advertising the Event

All advertising, either before or at the event, must inform contributors of the following:

- The event is a joint fundraiser.
- The names of the committee involved.
- The agreed share of each contribution to be allocated to each committee.
- The manner of writing checks or other written instruments by the contributors.

For example, if the fundraiser has a name which is on the secondary depository, such as “Campaign ‘98”, checks would be made payable to “Campaign ‘98”.

Record Keeping and Reporting Requirements

The treasurers or designated record keepers of the sponsoring committees must carefully record the contributions and other receipts received in connection with the event. Participating committees that are required to file Campaign Statements must accurately report their share of the recorded information. Sponsoring committees that maintain a Reporting Waiver are not required to report the recorded information unless the Reporting Waiver is lost. Record keeping and reporting requirements related to joint fund raising events are detailed below:

- Each committee must record and report the name and address of each contributor, the portion of the contribution received by the committee, and date of the contribution.
- If the agreement designates a committee to pay all expenses for which reimbursement will be made at a later time, the designated committee must itemize all expenditures over \$50.00. The committee must specify, in the “Purpose” field on Schedule 4B, Itemized Expenditures, that the expenditures are related to a joint fund raiser. The committee reports the reimbursements from the other committees on Schedule 4A-1, Itemized Other Receipts, checking the “Other” box and indicating that the receipt is a joint fund raiser reimbursement.
- Each committee making reimbursement must report its share of the reimbursement on Schedule 4B as an expenditure, itemizing each expenditure over \$50.00, using Memo Itemizations as necessary, to report the name and address of the vendor or other person paid.
- If it is agreed in writing that each committee will pay its proportionate share of each expense as it arises, each committee must itemize its share of each expense if that share exceeds \$50.00.
- Each committee must complete a Fund Raiser Schedule, to be included in its next Campaign Statement, reporting only its share of the receipts and expenditures. The committee should complete the joint fundraiser section on the Fund Raiser Schedule.
- Each committee must treat the gross amount of each proportionate share of a contribution as a reportable contribution and not merely the net proceeds after deducting expenses.
- If one committee pays more than its proportionate share of the expenses, it is making an in-kind contribution to the other sponsoring committees.

EXPENDITURES

”Expenditures” are anything of monetary value spent by the committee to influence the qualification, passage or defeat of a ballot question. When a committee makes an expenditure to, or on behalf of another committee, it is an “expenditure” by the spending committee and a “contribution” to the recipient committee.

RECORDING AND REPORTING EXPENDITURES

The committee treasurer or designated record-keeper must:

- Record and report all expenditures over \$50.00 from the committee account by the amount, purpose, date made, and the recipient’s name and address.
- Record and report all expenditures (regardless of amount) made to or on behalf of another Ballot Question Committee by the amount, date made, and the recipient committee’s name and address, including the name and address of the vendor or person paid. Record the proposal letter or a brief description of the ballot question supported by the recipient committee and the county, city, township or village where it appears on the ballot.
- Record and report all expenditures made to support or oppose a ballot question by the amount, date made and a description of the question. Indicate whether the question is a statewide, multi-county or single-county issue and whether the committee is supporting or opposing the issue. For multi-county issues, indicate the name of the county with the greatest number of voters eligible to vote on the issue.

Refer to the Ballot Question Committee Campaign Statement Instructions booklet for specific information on how expenditures are reported.

Treasurer’s Responsibility: See Appendix A.

When A Written Instrument Is Required

An expenditure of \$50.01 or more must be made by a written instrument such as a check or money order. The written instrument must show the committee’s name, date, amount, and the name of the recipient. A committee may not make expenditures of \$50.01 or more in cash.

Petty Cash

- The committee treasurer may establish a petty cash fund with funds withdrawn from the committee’s official depository.
- The committee must record the name, date, and amount of each expenditure made from the petty cash fund.
- Only cash expenditures of \$50.00 or less may be made from the petty cash fund.

In-Kind Expenditures

In-kind expenditures are goods, services and facilities provided to another committee at no cost or at a discount.

The value of an in-kind expenditure is the fair market value or usual rental charge of the good, service or facility. If the committee provides a good, service or facility to another committee at a discount, the value of the in-kind expenditure is the amount discounted.

A Ballot Question Committee may not make an in-kind expenditure to a Candidate Committee or to any type of committee that supports or opposes candidates.

Independent Expenditures

Independent expenditures are expenditures made to support or oppose a ballot question without the direction or control of another person or committee, including supporting or opposing the primary Ballot Question Committee that is supporting or opposing the ballot question.

Independent expenditures are never made under the control of or at the direction of another person or committee and are not contributions to any committee. Independent expenditures can be made in any amount.

Expenditure Exemptions

The Act exempts the following activities from the expenditure definition:

- A group or committee may communicate with its paid members or shareholders without having to report the expenses involved as expenditures. The communication can support or oppose ballot questions.
- A group or committee may communicate with anyone on a subject or an issue without having to report the expenses involved as expenditures if the communication does not support or oppose a ballot question by name or clear inference.

Loans By Ballot Question Committees

A Ballot Question may make a loan, or guarantee or endorse a loan, only to another Ballot Question Committee.

Delivery Of A Contribution To Another Committee By A Third Party

An individual who obtains possession of a contribution that a committee registered under the Act wishes to give to another committee registered under the Act has 10 business days to take one of the following actions:

- 1) deliver the contribution to the appropriate committee treasurer;
- 2) deliver the contribution to any agent of the appropriate committee; or
- 3) return the contribution to the payer.

The 10-day time limit for these actions does not apply if the individual in possession of the contribution is the treasurer of the contributing committee or the contributing committee's designated record keeper.

PROHIBITED EXPENDITURES

- A committee may not make a single expenditure from petty cash that exceeds \$50.00.
- A committee may not make a cash expenditure that exceeds \$50.00.
- A Ballot Question Committee may not make expenditures to, in support of, or in opposition to, a Candidate Committee, Political Party Committee, Political Committee (PAC), Independent Committee (PAC) or any committee that supports or opposes candidates.

DISSOLUTION OF A BALLOT QUESTION COMMITTEE

The Act specifies when and under what conditions a Ballot Question Committee may be dissolved. The dissolution of the committee is the final compliance step as a dissolved committee has no further filing obligations under the Act.

- To be eligible for dissolution, a committee must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt.
- Unexpended funds in a Ballot Question Committee's account may be returned to contributors, donated to another Ballot Question Committee, donated to a tax-exempt charity, or expended in any legal manner. Funds may not be given to a Candidate Committee, Political Party Committee, Independent or Political Committee or any type of committee that supports or opposes candidates.
- A committee that has a Reporting Waiver may dissolve by filing a single page Dissolution Campaign Statement form. The form is available from any filing official.
- A committee that does not have a Reporting Waiver must dissolve by filing a final Campaign Statement with supporting Schedules. A detailed Dissolution Campaign Statement can be combined with any other Campaign Statement required of the committee as long as the committee dissolves on or before the closing date of the Campaign Statement. A Dissolution Campaign Statement must open on the day after the closing date of the last Campaign Statement filed by the committee and close on the effective date of the committee's dissolution.